

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No. 1 of 2022

*Namita Dash*

....

*Petitioners*

*Mr. S. Das, Adv.*

*-Versus -*

*Asst. Provident Fund  
Commissioner*

....

*Opposite Parties*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**ORDER**

**31.01.2022**

**I.A. No. 2 of 2022**

Order No.  
01

This matter is taken up through video conferencing mode.

2. This application has been filed for condonation of delay of 732 days in preferring the CMAPL.

3. W.P. (C) No.7771 of 2011 was dismissed for default on 03.12.2019. On perusal of the application, it appears that the petitioner has filed this application for recalling of the order dated 03.12.2019 passed in W.P. (C) No.7771 of 2011 and seeks that the same should be restored.

4. In a similar case, i.e. *State of Odisha and another v. Smt. Bishnupriya Routray and another*, 118 (2014) CLT 588, this Court had not condoned the delay of 706 days in preferring the appeal. Applying the same principle to the present case and looking at the reasons assigned in the petition, it appears that sufficient cause has not been shown to

condone the delay of 732 days in preferring the CMAPL. That apart no due diligence has been indicated in the petition in preferring the CMAPL.

5. Accordingly, I.A. is rejected.

**(Dr. B.R. Sarangi)**  
**Judge**

**CMAPL No. 1 of 2022**

Order No.  
02

This matter is taken up through video conferencing mode.

2. In view of dismissal of I.A.No.2 of 2022 for condonation of delay of 732 days in preferring the application, consequentially the CMAPL No. 1 of 2022 filed by the petitioner is also dismissed.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7<sup>th</sup> January, 2022.

Ashok

**(Dr. B.R. Sarangi)**  
**Judge**